

161/Rec'd. 07 JAN 2003

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BOX PCT

DUPLICATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER		
WSUR117373		
U.S. APPLICATION NO. (if known see 37 C.F.R. 1.5)		
09/830,529		
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	EARLIEST PRIORITY DATE CLAIMED
PCT/US99/25350	26 October 1999 (26.10.99)	27 October 1998 (27.10.98)
TITLE OF INVENTION		
USE OF CLAY AND LIPID FORMULATIONS TO PROTECT HORTICULTURAL CROPS FROM SUNBURN AND INSECT DAMAGE		
APPLICANT(S) FOR DO/EO/US		
KAMMERECK, Rudolf and SCHRADER, Lawrence E.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ 3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☐ 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - ☐ a. is attached hereto (required only if not communicated by the International Bureau).
 - ☐ b. has been communicated by the International Bureau.
 - ☐ c. is not required, as the application was filed in the United States Receiving Office (RO/US).

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

-1-

Received from < > at 1/7/03 1:33:08 PM [Eastern Standard Time]

<input checked="" type="checkbox"/> 21. The following fees are submitted:				CALCULATIONS <small>PTO USE ONLY</small>	
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000					
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$860					
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$710					
International preliminary examination fees paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$690					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100					
ENTER APPROPRIATE BASIC FEE AMOUNT -				\$	
Surcharge of \$130 for furnishing the oath or declaration later than <u>20</u>				\$130.00	
<input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 -		X \$18	\$	
Independent claims	- 3 -		X \$80	\$	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ \$270	\$	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$65.00	
SUBTOTAL =				\$65.00	
Processing fee of \$130 for furnishing the English translation later than <u>20</u>				\$	
30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$40.00	
				+	
TOTAL FEES ENCLOSED =				\$105.00	
				Amount to be:	\$
				refunded	
				charged	\$

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDELSSON
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

- X a. Check No. 130483 in the amount of \$65.00 and Check No. 130482 in the amount of \$40.00 to cover the above fees are enclosed.
- _____ b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- X c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1740. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

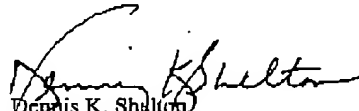
SEND ALL CORRESPONDENCE TO:

Customer No. 26389

Dennis K. Shelton
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, WA 98101

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}


Dennis K. Shelton
Registration No. 26,997
E-Mail Address: dennis@cojkc.com

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, Washington, D.C. 20231, on the below date.

Date: July 24, 2001

Carole Julyan

DKS:cj

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UNITED STATES PATENT AND TRADEMARK OFFICE

09/880529

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20591

U.S. APPLICATION NO.	FOREIGN APPLICATION NO.	ATTY. SECURITY NO.
09/830,529	KAMMERECK	WSOR117373

026389
CHRISTENSEN, O CONNOR,
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

5611
KIN

TJB

INTERNATIONAL APPLICATION NO.
PCT/US99/28350

LA. FILING DATE	PRIORITY DATE
10/28/99	10/27/98

DATE MAILED: 06/17/01

DOCKETED

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant on or after 18 to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input checked="" type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of Inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other. |
| <input type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The international Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the international Preliminary Examination Report into English. | |
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | | |
|--|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the international application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(a)). | |
4. Additional claim fee of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 20 OR 30 MONTHS (WHATEVER 37 CFR 1.495 APPLIES) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. Application no. shown above, (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/903 (March 2001)

Telephone: _____

Signature
Michael Stegmann
(703) 305-3095

01/07/03 10:32 FAX

020

File No.: WSUR-1-17373 Atty/Secy: DKS/cj
International Application No.: PCT/US99/25360
International Application Filing Date: 26 October 1999
U.S. Application No.: 09/830,529
Applicant(s): Rudolf Kemmerick et al.
Title: USE OF CLAY AND LIPID FORMULATIONS TO PROTECT HORTICULTURAL
CROPS FROM SUNBURN AND INSECT DAMAGE
The following documents have been received at BOX PCT, Receiving Office/U.S.
Patent and Trademark Office (RO/US) on the date stamped hereon via first-class
mail, with a signed Certificate of Mailing:

Date of Deposit: 24 July 2001

518 Rec'd PCT/PTO 30 JUL 2001

Check No. 130483 for \$66.00

Transmittal Letter for Missing Requirements (4 pages) in duplicate

Combined Declaration and Power of Attorney (4 pages)

Copy of Notification of Missing Requirements

Check No. 130482 for \$40.00

Assignment (3 pages) w/Recordation Form Cover Sheet

Information Disclosure Statement (2 pages)

List of Cited References (2 pages)

Cited References (13)

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS
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(206) 482-8100

Bank of America
600 OLIVE WAY, 7TH FLOOR
SEATTLE, WA 98101

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130483

DATE
07/24/2001

AMOUNT
\$65.00

PAY TO THE ORDER OF SIXTY-FIVE AND 00/100 DOLLARS 250000024 02 4021 4020 11 28

TO THE ORDER OF DIRECTOR - U.S. PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231

[Signature]

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08-06-01

FRO SEATTLE
123-0041-1
08/06/01

US DATE 08/06/01
FRO: E C 893

52800068

0500754460

10-3-01

FIRST VERIFICATION
4039 VERIFICATION
FBI, CHICAGO, ILL
1-31-01
4039 VERIFICATION
FBI, CHICAGO, ILL
1-31-01
4039 VERIFICATION
FBI, CHICAGO, ILL
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PATENT AND TRADEMARK OFFICE
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U.S. TREASURY

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*** TX REPORT ***

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CONNECTION TEL 817033053230
SUBADDRESS
CONNECTION ID USPTO/PTI OPRP
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PGS. SENT 21
RESULT OK *f*

COMPLETED

CHRISTENSEN
O'CONNOR
JOHNSON
KINDNESS *FILE*

LAW OFFICES

PATENT, TRADEMARK AND OTHER
INTELLECTUAL PROPERTY MATTERS

1425 Fifth Avenue, Suite 2500
Seattle, Washington 98101-220

TELEPHONE: 206.462.8100

FAX: 206.224.0779
INTERNET: www.oakll.com

FACSIMILE COVER SHEET

DATE: September 19, 2002

URGENT

TO: Examiner Kaya Lewis Baltimore
U.S. Patent and Trademark Office

FACSIMILE NO: 703.305.3230

RE: U.S. Application No. 09/830,529
International Application No. PCT/US99/25350
International Filing Date: 26 October 1999

OUR REFERENCE: WSUR-1-17373

FROM: Dennis K. Shelton

(Facsimile No. 206.224.0779)

MESSAGE: Upon checking Patent Application Information Retrieval, it appears that the missing requirements filed on July 24, 2001, have been lost at the PTO as they have not yet been associated with the file. For that reason, we are transmitting herewith copies of the documents that were submitted with the transmittal for missing requirements, as follows:

1. Transmittal Letter
2. Combined Declaration and Power of Attorney
3. Copy of Notification of Missing Requirements
4. Recordation Form Cover Sheet
5. Assignment
6. Information Disclosure Statement

Also enclosed are copies of the return postcard with the PCT/PTO date of receipt stamped thereon and two canceled checks, one for the missing requirements surcharge and the other for the assignment recordation fee.

If you have any questions, please contact me directly at 206.695.1718.

*** The information contained in this facsimile message is privileged and confidential information intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original message to us at the above address by

Received from < > at 1/7/03 1:33:08 PM [Eastern Standard Time]

**CHRISTENSEN
O'CONNOR
JOHNSON
KINDNESS^{PLLC}**

LAW OFFICES

PATENT, TRADEMARK AND OTHER
INTELLECTUAL PROPERTY MATTERS

1420 FIFTH AVENUE, SUITE 2600
SEATTLE, WASHINGTON 98101-2744

TELEPHONE: 206.682.8100

FAX: 206.224.0779
INTERNET: www.ojlk.com

FACSIMILE COVER SHEET

DATE: January 7, 2003

TO: Examiner Kaya Lewis Baltimore
U.S. Patent and Trademark Office

FACSIMILE NO: (703) 746-6703

RE: U.S. Application No. 09/830,529
Based on International Application No. PCT/US99/25350
International Filing Date: 26 October 1999

OUR REFERENCE: WSUR-1-17373

FROM: Dennis K. Shelton

(Facsimile No. 206.224.0779)

MESSAGE: Attached are copies of the missing requirement documents, which were filed with the PTO on July 24, 2002, and faxed to you on September 19, 2002:

1. Transmittal Letter
2. Combined Declaration and Power of Attorney
3. Copy of Notification of Missing Requirements
4. Recordation Form Cover Sheet
5. Assignment
6. Information Disclosure Statement

Also attached are copies of the return postcard with the PCT/PTO date of receipt stamped thereon and two canceled checks, one for the missing requirements surcharge and the other for the assignment recordation fee.

If you have any questions, please contact me directly at 206.695.1718.

*** The information contained in this facsimile message is privileged and confidential information intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address by mail. ***

We have 22 pages to send, including this sheet. If any pages need to be retransmitted, please call 206.682.8100, Ext. 1200, within 15 minutes.

cj

- _____ 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
- _____ 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- _____ a. are attached hereto (required only if not communicated by the International Bureau).
- _____ b. have been communicated by the International Bureau.
- _____ c. have not been made; however, the time limit for making such amendments has NOT expired.
- _____ d. have not been made and will not be made.
- _____ 8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- X 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- _____ 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

- X 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
- X 12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
- _____ 13. A FIRST preliminary amendment.
- _____ 14. A SECOND or SUBSEQUENT preliminary amendment.
- _____ 15. A substitute specification.
- _____ 16. A change of power of attorney and/or address letter.
- _____ 17. A computer-readable form of the sequence listing in accordance with 35 U.S.C. 1.821 - 1.825.
- _____ 18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
- _____ 19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- X 20. Other items or information: Copy of Form PCT/DO/EO/905 (Notification of Missing Requirements).

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